

ASSEMBLY BILL

No. 21

**Introduced by Assembly Member Obernolte
(Coauthors: Assembly Members Travis Allen, Bigelow, Chávez,
Grove, Lackey, Linder, Mayes, Patterson, and Steinorth)**

August 31, 2015

An act to add Section 21168.15 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 21, as introduced, Obernolte. Environmental quality: highway projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.

The bill would prohibit a court in a judicial action or proceeding under CEQA from staying or enjoining the construction or improvement of a highway unless it makes specified findings.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21168.15 is added to the Public Resources
2 Code, to read:
3 21168.15. (a) For the purposes of this section, “project” means
4 the construction or improvement of a highway.
5 (b) In granting relief in an action or proceeding brought pursuant
6 to this section, the court shall not stay or enjoin a project unless
7 the court finds either of the following:
8 (1) The project presents an imminent threat to the public health
9 and safety.
10 (2) The project site contains unforeseen important Native
11 American artifacts or unforeseen important historical,
12 archaeological, or ecological values that would be materially,
13 permanently, and adversely affected by the project unless the court
14 stays or enjoins the project.
15 (c) If the court finds that paragraph (1) or (2) of subdivision (a)
16 is satisfied, the court shall only enjoin those specific activities
17 associated with the project that present an imminent threat to public
18 health and safety or that materially, permanently, and adversely
19 affect unforeseen important Native American artifacts or
20 unforeseen important historical, archaeological, or ecological
21 values.

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